

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

ROBERT JOSEPH MCCARTY,
 Plaintiff(s),
 vs.
 JOHN V. ROOS, et al.,
 Defendant(s).

Case No. 2:11-cv-01538-JCM-NJK
 ORDER
 (Docket Nos. 203, 213)

Pending before the Court is the Federal Defendants' motion to stay their response to Plaintiff's motion for summary judgment. Docket No. 213; *see also* Docket No. 203 (cross motion for summary judgment). The Court finds this matter properly resolved without oral argument. *See* Local Rule 78-2. For the reasons discussed below, the motion is hereby **GRANTED**.

I. BACKGROUND

Plaintiff, appearing in this action *pro se*, brings claims related to the requirement that he register as a sex offender under the Sex Offender Registration Act ("SORNA") based on a foreign conviction he believes to have been unjustly obtained. Plaintiff has sued various Defendants from both the government of the State of Nevada ("State Defendants") and the Federal Government ("Federal Defendants"). On March 19, 2013, United States District Judge James C. Mahan granted Plaintiff's request to file a second amended complaint, indicating that Defendants remained free to challenge the sufficiency of the allegations through motions to dismiss. *See* Docket No. 132 at 2. State Defendants Hoerth, Masto and Saunders filed a motion to dismiss. Docket No. 136. The

1 Federal Defendants filed motions to dismiss challenging Plaintiff's claims against the Federal
2 Defendants in both their individual and official capacities. Docket Nos. 156, 193. Those motions to
3 dismiss are pending.

4 **II. ANALYSIS**

5 The Court has broad discretion in managing its docket. *See, e.g., Landis v. N. American Co.*,
6 299 U.S. 248, 254 (1936) (court has inherent power to "control the disposition of the causes on its
7 docket with economy of time and effort for itself, for counsel, and for litigants"). In exercising that
8 discretion, the Court is guided by the goals of securing the just, speedy and inexpensive resolution
9 of actions. *See* Fed. R. Civ. P. 1.

10 Defendants seek entry of a stay of Plaintiff's cross motion for summary judgment. As noted
11 above, there are several pending motions to dismiss that have not yet been resolved. These motions
12 address threshold issues, such as the sufficiency of Plaintiff's allegations to state a claim for relief,
13 personal jurisdiction, service, and qualified immunity. *See* Docket Nos. 156, 193. For the same
14 reasons articulated in Docket No. 209, the Court finds that the pending motions to dismiss should be
15 decided before Plaintiff's cross motion for summary judgment. To that end, the motion to stay the
16 response deadline is hereby **GRANTED**.

17 **III. CONCLUSION**

18 For the reasons discussed above, the Federal Defendants' motion to stay is **GRANTED**. In
19 particular, the Court hereby rules as follows:

- 20 • The motion to stay (Docket No. 213) is **GRANTED** with respect to Plaintiff's cross
21 motion for summary judgment (Docket No. 203). As a result, the Court has
22 consulted with United States District Judge Mahan and Plaintiff's cross motion for
23 summary judgment (Docket No. 203) is hereby **DENIED** without prejudice.

24 IT IS SO ORDERED.

25 DATED: October 4, 2013

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NANCY J. KOPPE
United States Magistrate Judge